

Criminal Justice Services Board
December 10, 2009

Members Present

Sheriff Beth Arthur (Chairman)
Mr. Steve Pullen (proxy for Barry Green)
The Honorable Robert L. Bushnell
Ms. Helen Fahey
The Honorable Sherman Carl Vaughn, Sr.
Lt. Jerri Smith
Chief James R. Lavinder
Ms. Danielle Ferguson
The Honorable Clarence N. Jenkins
Mr. Edward M. Macon
Ms. Cookie Scott
The Honorable Marlene Randall
Dr. Jay Malcan
Mr. Jonathan McGrady
Colonel W. Steve Flaherty
Sgt. Charles Condon
Mr. Walter A. McFarlane
Sheriff Charles W. Phelps
Mr. Alan Katz (proxy for Marla Decker)
Mr. Kevin S. Hodges
Mr. Christopher R. Webb
The Honorable Marcus D. Williams
The Honorable Jackson H. Miller

Members Absent

Mr. Kenneth Bynum
Mr. Jeff Dion
Chief A.M. "Jake" Jacocks
The Honorable Beverly Sherwood
The Honorable Kenneth W. Stolle
The Honorable Janet D. Howell

DCJS Staff Present

Leonard G. Cooke
B.J. Northington
Priscilla Bowers
John Colligan
Leon Baker
Gayle Turner
Fran Ecker
Janice Waddy
Rick Arrington
Lisa McGee
Demian Futterman
Loretta Lynch
Heather Black
Ashaki McNeil
Eleanore Ashman
Shelia Anderson

Guests Present

George Haudricourt
Officer Martha Spencer
Sgt. Kevin Tucker
The Honorable Robert Harris
Chief Toussaint Summers

Call to Order

Chairwoman Arthur called the meeting to order at 10:30 a.m. and welcomed everyone to the meeting. She then reminded guests that a sign-in sheet was located at the front entrance and asked individuals to please sign in for the purpose of the minutes, including DCJS staff.

Chairwoman Arthur reminded Board members to please state their name when making a motion and when seconding, to please speak clearly for the purpose of the minutes and to ensure that their microphone was turned on at their seating area. She further reminded staff and persons speaking from the floor to please step up to the podium when speaking so that the microphone would pick up their voice for the purpose of the minutes.

Chairwoman Arthur then asked Priscilla Bowers to take the roll. Ms. Bowers proceeded with roll call and stated that there was a quorum with 23 members present. Chairwoman Arthur thanked Board members for attending the meeting today and also thanked those individuals who were sitting in as proxies for representatives of the Board: Mr. Alan Katz, proxy for Ms. Marla Decker and Mr. Steve Pullen, proxy for Mr. Barry Green.

Chairwoman Arthur then reminded Board Members that it was time again for Board members to file their Conflict of Interest Act forms and take the required training. She mentioned that Ms. Bowers sent the electronic version of the "Financial Disclosure Form" to board members earlier this week and asked that everyone fill out their form and return it to her no later than Friday, January 8, as these forms are due to the Secretary of the Commonwealth by January 15. Chairwoman Arthur further mentioned that at the conclusion of the business of the Board, Mr. James Hopper, Office of the Attorney General would provide the Conflict of Interest Act Training to members and that this training would be 1 ½ hours in duration and would satisfy the training requirement for Board members' Conflict of Interest Act Training.

In addition, the training provided was also approved for 1.0 credit hours by the Virginia Mandatory Continuing Legal Education Board for those board members who practice Law. Those members who wished to take advantage of the credit were asked to see Ms. Bowers for certification forms.

Approval of Minutes

Chairwoman Arthur called for corrections, deletions or additions to the minutes of the September 10, 2009 Criminal Justice Services Board meeting. There were no corrections, deletions or additions brought forth by members.

Chairwoman Arthur then called for a motion to approve the minutes of the September 10th meeting. Mr. Vaughn made the motion and Ms. Scott seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the Board approve the minutes of the September 10 meeting with no corrections, additions or deletions.

Director's Report

Chairwoman Arthur called upon Director Leonard Cooke to give a brief Director's Report. Director Cooke welcomed and thanked everyone for attending the meeting. He then proceeded with a couple of reminders and updates, as follows:

First, Director Cooke mentioned the Conflict of Interest Act Training scheduled at the conclusion of the meeting and thanked members in advance for their participation in the training.

Director Cooke stated that at the last meeting, he mentioned to the Board that the department was planning another set of "Blueprints" sessions that would be scheduled adjacent to this Board meeting. Due to budget constraints, these sessions have been cancelled. He mentioned that members were previously advised of this action via e-mail prior to the meeting today.

Director Cooke further reported that the agency had rolled out an overview of the work of the agency: "The Department of Criminal Justice Services Overview 2008-2009". He mentioned that this overview was sent to Board members in previous correspondence and that it gives our constituents a good look at the scope of the work of the agency. He further stated that it is his hope that this overview will help expand people's understanding of the breadth of the agency's involvement in criminal justice and public safety. The report is also posted on the DCJS website.

Public Safety Memorial

Director Cooke reported that on December 21, Governor Kaine would unveil the design for Virginia's new Public Safety Memorial and place a commemorative plaque at the Memorial's future site. The event will take place at 11 AM in Darden Garden, across from the General Assembly Building. He invited Board members to attend the event and further mentioned that Virginia is one of six states that did not have a state-level memorial to honor fallen public safety personnel. He said; the new Memorial will be a meaningful and fitting honor to Virginia's fallen heroes and give the friends and family of the men and women who have died in the line of duty, a place to remember those who made the ultimate sacrifice serving us.

Transition

Director Cooke reported that the transition to the new McDonnell administration was well under way. In the public safety realm, Governor-Elect McDonnell had appointed Ms. Marla Decker to the position of Secretary of Public Safety. As Board members are aware, Ms. Decker had been the AG's representative on this Board for some time and she has had a long career in the AG's office. Director Cooke reported that the agency had provided the McDonnell transition team with a document that summarizes the work of DCJS.

Byrne/JAG

Director Cooke reminded the Board that they would be considering continuation grant applications for our Byrne Justice Assistance Grant Program. He reported that for applications for "new starts," we have instituted a new two-step process, which was outlined for Board members earlier in the fall. He mentioned that interested parties were invited to submit brief

project proposals as the first step and they are being reviewed now by staff and some outside reviewers. We received 226 proposals requesting a total of over \$11 million, but we have about \$2.5 million available. Based on the proposal review, a number of those who submitted proposals will be invited to submit full grant applications, which will be reviewed and brought to the Board in the New Year.

Asset Forfeiture

Director Cooke reported that the agency had instituted a temporary change in our Asset Forfeiture Program policy that he wanted to make sure Board members were aware. He informed the Board that Mr. John Colligan would brief them later on during the meeting on this issue.

In closing, Director Cooke mentioned that this was probably going to be his last time speaking to the Board in this forum, and that he thoroughly enjoyed working with them throughout the past years. He wished them all well and mentioned that he truly appreciated the members' willingness to work with the agency, and their contribution of their time and expertise to the agency's grant processes and regulatory activities. He stated; this Board has done a great job fulfilling its mandate to represent all aspects of the criminal justice system. He then thanked the Board for their support and commitment.

Chairwoman Arthur thanked Director Cooke for his report and also for his service to the Agency, the Board, and to the Commonwealth. The Board joined in and applauded Director Cooke for his service. She then asked the Board if they had any questions or comments. There were none.

Committee Reports

Committee on Training COT)

Chairwoman Arthur called upon Sheriff Phelps to give a brief report on the Committee on Training. Sheriff Phelps reported that the COT met this morning prior to the full board. He stated that there was a public hearing regarding the 2009 Suggested Changes to the Compulsory Minimum Standards for Entry-Level Law Enforcement Officers. A comment matrix was distributed to members of the committee and Captain Lenmuel Terry, Chair of the Law Enforcement Curriculum Review Committee (CRC) made the presentation on the suggested changes. Sheriff Phelps further reported that committee members posed questions and made comments to the suggested changes. The changes were adopted and the vote carried unanimously.

Lastly, Sheriff Phelps mentioned that there was also a follow-up on Changes to Performance Outcomes for Jailors. Sheriff Phelps reported that a motion was made to add those changes to the Standards for Jail/Court Security/Civil Process Officers so that it would be reflected in the COT minutes. This concluded Sheriff Phelps' report.

Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments. There were none.

Law Enforcement Subcommittee Report

Certified Crime Prevention Community (CCPC)

Chairwoman Arthur called upon Mr. Walter McFarlane to give a brief report on the Certified Crime Prevention Community.

Mr. McFarlane reported that Mr. Rick Arrington, DCJS/CCPC Program Coordinator had been listening to the Board's concerns regarding the Certified Crime Prevention Communities Manual for certification and recertification and had made some draft changes to the manual. He mentioned that the Law Enforcement Subcommittee met on December 3, 2009 to review the changes proposed to the manual used for administration of the applications for Certified Crime Prevention status. He further stated that the changes to the manual were based on the input and changes to the program over the years relative to process and use. He stated that the changes reflect current practice and do not represent policy changes, but rather clarify the "current process and requirements". He then briefed the Board on the proposed changes. Mr. McFarlane further reported that the Subcommittee did not believe that the changes rose to the level that required Board approval, however, it was concluded that the changes be brought before the Board for informational purposes, just in case the Board was of a different opinion, or had questions.

Chairwoman Arthur thanked Mr. McFarlane for his report and asked the Board if they had any questions or comments. There were none.

Mr. McFarlane then continued his report on the recertification of the town of Herndon and certification of the town of Christiansburg.

Town of Herndon

Mr. McFarlane mentioned that the Law Enforcement Subcommittee met on December 3, to review the application of the Town of Herndon for recertification. He then shared the town's demographics and history of their crime prevention accomplishments and stated that Herndon's application for recertification evidences an overwhelming strength, when reviewed in totality. He said they have made excellent use of all available resources to provide prevention programming. He further stated that Herndon has identified and uses the resources available to them through collaborative agreements and resource availability, and mentioned the following elements that are being addressed by this smart use of resources:

- Fairfax Victim Services (Core 10)
- Regional Gang Task Force
- Cooperative Agreements, Crime Solvers and
- Regional SALT Council (All Options)

Mr. McFarlane reported that in addition to the use of the forgoing resources, Herndon's unique Citizen Support Team (option) that serves numerous volunteer hours demonstrates how a smaller jurisdiction can accomplish so much. Mr. McFarlane stated that the Subcommittee recommends recertification of the Town of Herndon.

Chairwoman Arthur thanked Mr. McFarlane for his report and asked the Board if they had questions or comments. There were none. She then called for a motion to approve the recommendations of the Subcommittee to recertify the Town of Herndon. Mr. McFarlane made the motion and Mr. McGrady seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Law Enforcement Subcommittee to recertify the Town of Herndon.

At this time, Chairwoman Arthur acknowledged and congratulated Chief Summers who was present and asked him if he would like to make a comment. Chief Summers chose not to make a public comment. Board members applauded the accomplishments of Chief Summers and the Town of Herndon.

Town of Christiansburg

Mr. McFarlane gave a brief report on the demographics and the history of the Town of Christiansburg as it relates to crime prevention activities. He stated that Christiansburg, like Herndon, draws strength from the volunteer spirit of its citizens. He further mentioned that Christiansburg's Crime Prevention Council has taken an active role in supporting the police department on several occasions over the last few years and has become an available resource for the department in times of crisis such as providing food and relief for officers in long-term assignments at Virginia Tech. (Core I). He mentioned that Christiansburg also takes a unique approach to its delinquency prevention by addressing the underlying cause for most issues with youth and college students in its community, including substance abuse (Core 10). Finally, by seeking to increase them, Chief Scisson has demonstrated a commitment to prevention in a time when many agencies are cutting such preventative services. He is seeking to improve his crime analysis capability and increased his crime prevention staff through the addition of a SRO position in 2009 (Option-SRO). Mr. McFarlane then stated that the Subcommittee recommends that the Town of Christiansburg be certified for the first time as a Crime Prevention Community.

Chairwoman Arthur thanked Mr. McFarlane for his report and then called for questions. There were none. She then called for a second motion. Mr. McGrady seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Subcommittee to certify the Town of Christiansburg.

Chairwoman Arthur then acknowledged and congratulated the Town of Christiansburg and asked if there was anyone present from the Christiansburg Police Department. Officer Martha Spencer and Sgt. Kevin Tucker were present in the audience. Sgt. Tucker thanked Rick Arrington, DCJS and the Board for their support and approval of their application for certification.

Forfeited Assets Distribution Policy Change

Chairwoman Arthur called upon Mr. John Colligan to give a brief update on the Forfeited Assets Distribution Policy changes. Mr. Colligan reported that previously Mr. Bushnell inquired about whether or not forfeited asset funds could be used to pay for personnel. He stated that the department has since consulted with the Attorney General's office and received guidance and direction on the use of these funds for Fiscal Year 2010. Mr. Colligan further reported that the department met with the Executive Committee via a conference call to discuss this temporary policy change of which there was a quorum with 5 members present. In attendance were Sheriff Beth Arthur, Barry Green, Robert Bushnell, Kevin Hodges, and Chief James Lavinder. Present from DCJS was Director Cooke, Chief Deputy Director, B.J. Northington, and Mr. John Colligan.

Policy changes are as follows: Due to extreme conditions and in an effort to stabilize state and local law enforcement budgets and prevent a reduction in essential services, forfeited asset sharing funds may be used during FY2010 to fund existing agency/department personnel who are subject to state budget cuts. Forfeited funds may be used up to the amount of the stated imposed local agency budget reduction for this purpose. Only those forfeited asset sharing funds forfeited under state law in state court and received by the local agency/department prior to October 1, 2009 are eligible to be used under this addendum. This is a temporary modification in the use of forfeiture funds of which would expire on June 30, 2010. This addendum does not change the purpose areas for which seized asset funds may be used. This addendum has no effect on the federal portion of locally held forfeited asset sharing funds.

Mr. Colligan reported that the Executive Committee supports this policy change and therefore the information was being brought before the full Board for their information and support, as well. This concluded Mr. Colligan's report. Chairwoman Arthur thanked Mr. Colligan for his report and called for questions or comments. Mr. Bushnell made a comment, as did Chairwoman Arthur.

Consideration of Grant Applications

Advisory Committee on Juvenile Justice (ACJJ)

Chairwoman Arthur called upon Dr. Jay Malcan to give a brief report on the ACJJ Byrne/Justice Assistance Grants (JAG). Dr. Malcan reported that the Advisory Committee on Juvenile Justice met on November 18 to review recommendations of the Grants Subcommittee regarding 2 continuation applications that were before the Board for review. He further stated that the ACJJ recommends funding the 2 Byrne/JAG continuation grants as shown in Board summaries. This concluded Dr. Malcan's report. Chairwoman Arthur thanked Dr. Malcan for his report and called for questions or comments. There were none. She then called for a motion. Ms. Randall made a motion and Ms. Scott seconded the motion.

Recusals:	Mr. Steve Pullen	Alexandria
	Ms. Cooke Scott	Newport News

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Subcommittee to fund the grants as stated above.

Law Enforcement (L/E) Subcommittee

Byrne/Justice Assistance Grants (Byrne/JAG)

Chairwoman Arthur called upon Mr. Walter McFarlane to give a brief report on the Law Enforcement Byrne/Justice Assistance Grants. Mr. McFarlane reported that the Law Enforcement Subcommittee met along with DCJS staff on Thursday, December 3 to review applications for continuation funding for Byrne/Justice Assistance Grants. DCJS staff presented their reviews of 17 applications which had requested continuation funding. Staff recommended 16 applications for continuation funding at the requested level or at reduced levels.

Program areas recommended for continuation funding included: Crime and Delinquency Prevention in Minority/Immigrant Communities; Criminal Justice System Improvement; and Crisis Intervention Teams. Those programs recommended at a reduced level are as follows: Blacksburg, Rocky Mount, Supreme Court, and Wytheville. Pulaski was recommended for denial because the project would be completed within the current grant year and the requested continuation funds for portable radios do not meet the specified program objectives.

Mr. McFarlane reported that the Law Enforcement Subcommittee recommends the forgoing and the following amount in continuation funding:

- \$595,232 in federal Byrne/JAG funds
- \$198,414 in matching cash funds
- \$793,646 - total funding

This concluded Mr. McFarlane's report. Chairwoman Arthur thanked Mr. McFarlane for his report and called for questions or comments. There were none. She then called for a motion. Mr. McFarlane made the motion and Mr. Hodges seconded the motion.

Recusals:	The Honorable Robert Bushnell	CASC
	Colonel Steve Flaherty	Big Stone Gap
		Blacksburg
		Virginia Crime Prevention
	Mr. Edward Macon	Supreme Court
	The Honorable Marcus Williams	Supreme Court

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Subcommittee to fund the grants as stated above.

Victims Subcommittee

V-STOP Grants

Chairwoman Arthur called upon Ms. Helen Fahey to give a brief report on the Victims Subcommittee Grants.

Ms. Fahey reported that the Victim Services Grant Review Subcommittee met on Monday, November 30, 2009. Present at the meeting were Jeff Dion, Danielle Ferguson and herself.

Ms. Fahey stated that the committee reviewed V-STOP grants for a two calendar year cycle. Because of an 8.3% increase in federal STOP funds, continuation applicants who were performing satisfactorily received a 3-5% increase. We were also able to fund several new initiatives in the law enforcement and prosecution categories. The federal allocation for Virginia for Calendar Year 2010 is \$2,594,912. A total of 92 applications were received requesting \$2,698,550 for each year. 88 of these applications are recommended for funding in the amount of \$2,510,899 for Calendar Year 2010:

20 in the law enforcement category (including one new initiative)

- 16 in the prosecution category (including three new initiatives)
- 5 in the courts category
- 35 in the victims services category
- 12 in the discretionary category

Four (4) new projects are recommended for funding. They include:

- One new project in the Law Enforcement Category that will fund the Lawrenceville Police Department.
- Three (3) new projects in the Prosecution Category that will fund the Caroline County, Warren County, and the City of Lynchburg.

Four (4) projects were denied funding. They include:

- One new project in the Law Enforcement Category was denied due to insufficient funds. However, they were successful in obtaining a Recovery V-STOP grant for the same project.
- Three new applications were denied in the Prosecution Category. Because there is a balance that could fund one additional project, these three applications were eligible for an appeal. The appeals Subcommittee met this morning at 8:30 a.m. Mr. Chris Webb will give that report.

Ms. Fahey further reported that there were small balances left in four of the five categories. These balances will be used to support training scholarships for local law enforcement, prosecutors, victim advocates and/or allocated into the 2011 budgets. The awards for Calendar Year 2011 will remain the same unless the allocation changes. If the allocation changes, awards for Calendar Year 2011 will be adjusted up or down by the same percentage as the change in the allocation. Ms. Fahey made the motion for the Board to accept the recommendations of the Subcommittee.

Chairwoman Arthur thanked Ms. Fahey for her report and then called for questions or comments. There were none. She then called for a second motion. Mr. Hodges seconded the motion.

Recusals:	The Honorable Robert Bushnell Mr. Steve Pullen Mr. Alan Katz Sgt. Charles Condon Chief James Lavinder Mr. Edward Macon The Honorable Marcus Williams	CASC V/S Grants, Norfolk Attorney General Virginia Beach Roanoke City Supreme Court Courts - Supreme Court Discretionary – Fairfax, Prince William, Virginia Commonwealth Univ., Law Enforcement Prosecution
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Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Subcommittee to fund the grants as stated above.

Appeals Subcommittee

V-STOP Appeals

Chairwoman Arthur called upon Mr. Chris Webb to give a brief report on the V-STOP appeals.

Mr. Webb reported that the Appeals Subcommittee met this morning to review two appeals received from Gloucester County Commonwealth's Attorney and the Commonwealth's Attorney's Services Council. Both Appeals were successful and both organizations were funded as requested with special conditions.

Chairwoman Arthur thanked Mr. Webb for his report and called for questions or comments. Mr. Bushnell and Mr. Macon made a couple of inquiries of which Ms. Janice Waddy and Ms. Deb Downing clarified.

Chairwoman Arthur then called for a motion. Mr. Webb made the motion and Ms. Scott seconded the motion.

Recusals:	The Honorable Robert Bushnell The Honorable Marcus Williams	CASC CASC
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Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Subcommittee to fund the grants as stated above.

Violence Against Women Recovery Act Grants (V-STOP)

Chairwoman Arthur asked Ms. Fahey to continue with the Additional Recovery Act V-STOP Grant Recommendations for Calendar Year 2010 in the Law Enforcement Category. Ms. Fahey reported that there was a balance of \$225,769 left in the law enforcement category for Recovery Act V-STOP. Additional guidelines for one year grants for CY 2010 were developed to spend down this balance. Seven applications were received totaling \$411,232. Five applications are

meeting and approved at the next. She stated that at the September meeting Ms. Bowers was asked to look at optional dates for the March, May and the September meetings due to possible scheduling conflicts. Included in Board member packets today was a revised list of dates that reflected changes in the meeting date for those particular months. She asked members to review those dates and ultimately approve them. Board members reviewed the revised dates and then Chairwoman Arthur called for a motion to approve. Mr. Webb made the motion and Mr. Williams seconded the motion. Chairwoman Arthur stated that the meeting dates for 2010 were approved as follows:

March 25
May 20
June 10
September 16
December 9

Chairwoman Arthur stated that the next meeting of the Criminal Justice Services Board is scheduled for **March 25, 2010**.

Adjournment

There being no further business, Chairwoman Arthur called for a motion to adjourn the meeting. Ms. Ferguson made the motion and Mr. Hodges seconded the motion. Chairwoman Arthur stated that the meeting was officially adjourned at 11:30 a.m. and thanked members for attending.

Conflict of Interest Act Training (COIA)

Chairwoman Arthur asked those Board members who were planning on attending the COIA Training to please remain in the room. All other members were dismissed.

Chairwoman Arthur called the attention of members and then introduced Mr. James Hopper, Senior Assistant Attorney General to provide the COIA Training to members. A handout was given to members and at the conclusion of the training and members was given a COIA Training Certificate to fill out and return to Priscilla Bowers to satisfy the training requirement.

Respectfully submitted,



Priscilla Bowers
CJSB Secretary

Approved by:



Sheriff Beth Arthur, Chairwoman